

AMENDED IN SENATE AUGUST 25, 2003
AMENDED IN ASSEMBLY FEBRUARY 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 184

Introduced by Assembly Member Lowenthal
(Coauthor: Senator Alpert)

January 27, 2003

An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 184, as amended, Lowenthal. Department of Motor Vehicles: records.

Under existing law, any registration or driver's license record of a person may be suppressed from any other person, except as specified, if the person requesting the suppression submits verification acceptable to the Department of Motor Vehicles that he or she has reasonable cause to believe that he or she is the subject of stalking, or that there exists a threat of death or great bodily injury to his or her person involving domestic violence.

This bill would include program participants (victims of domestic violence and stalking) under the Secretary of State's confidentiality program within the category of persons entitled to have their registration or driver's license record suppressed from other persons, except as specified, if those persons request the suppression and submit to the department a program participant certificate or identification card issued by the Secretary of State. *The bill would allow for 4-year*

suppression periods, as specified. Because an unlawful disclosure of these records would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.21 of the Vehicle Code is amended
2 to read:

3 1808.21. (a) Any residence address in any record of the
4 department is confidential and shall not be disclosed to any person,
5 except a court, law enforcement agency, or other government
6 agency, or as authorized in Section 1808.22 or 1808.23.

7 (b) Release of any mailing address or part thereof in any record
8 of the department may be restricted to a release for purposes
9 related to the reasons for which the information was collected,
10 including, but not limited to, the assessment of driver risk, or
11 ownership of vehicles or vessels. This restriction does not apply
12 to a release to a court, a law enforcement agency, or other
13 governmental agency, or a person who has been issued a requester
14 code pursuant to Section 1810.2.

15 (c) Any person providing the department with a mailing
16 address shall declare, under penalty of perjury, that the mailing
17 address is a valid, existing, and accurate mailing address and shall
18 consent to receive service of process pursuant to subdivision (b)
19 of Section 415.20, subdivision (a) of Section 415.30, and Section
20 416.90 of the Code of Civil Procedure at the mailing address.

21 (d) (1) Any registration or driver's license record of a person
22 may be suppressed from any other person, except those persons
23 specified in subdivision (a), if the person requesting the
24 suppression submits either of the following:

25 (A) A certificate or identification card issued to the person as
26 a program participant by the Secretary of State pursuant to Chapter



1 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the
2 Government Code.

3 (B) Verification acceptable to the department that he or she has
4 reasonable cause to believe either of the following:

5 (i) That he or she is the subject of stalking, as specified in
6 Section 1708.7 of the Civil Code or Section 646.9 of the Penal
7 Code.

8 (ii) That there exists a threat of death or great bodily injury to
9 his or her person, as defined in Section 12022.7 of the Penal Code.

10 (2) Upon suppression of a record, each request for information
11 about that record shall be authorized by the subject of the record
12 or verified as legitimate by other investigative means by the
13 department before the information is released.

14 (e) (1) ~~Suppression~~ *The suppression* of a record pursuant to a
15 verification under subparagraph (B) of paragraph (1) of
16 subdivision (d) shall occur for one year after approval by the
17 department. Not less than 60 days prior to the date the suppression
18 of the record would otherwise expire, the department shall notify
19 the subject of the record of its impending expiration. The
20 suppression may be continued for two additional periods of one
21 year each if a letter is submitted to the department stating that the
22 person continues to have a reasonable cause to believe that he or
23 she is the subject of stalking or that there exists a threat of death
24 or great bodily injury as described in subparagraph (B) of
25 paragraph (1) of subdivision (d). The suppression may be
26 additionally continued at the end of the second one-year period by
27 submitting verification acceptable to the department. The
28 notification described in this subdivision shall instruct the person
29 of the method to reapply for record suppression.

30 ~~(2) Paragraph (1) does not apply to the suppression of a record~~

31 *(2) The suppression of a record made in accordance with the*
32 *submission of a certificate or identification card under*
33 *subparagraph (A) of paragraph (1) of subdivision (d) shall occur*
34 *for four years following the submission of the certificate or*
35 *identification card described in this paragraph. The suppression*
36 *may be continued for an additional four-year period, and for*
37 *subsequent four-year periods, upon the submission of a current*
38 *certificate or identification described in this paragraph.*

39 (f) For the purposes of subdivisions (d) and (e), “verification
40 acceptable to the department” means recent police reports, court

1 documentation, or other documentation from a law enforcement
2 agency.

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

